

Federal court OKs regional sewer district plan

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A federal judge has approved a 25-year regional sewer district plan to dramatically reduce the amount of untreated waste that is dumped into local waterways, usually during flooding, officials said.

The action by U.S. District Judge Donald C. Nugent filed Thursday is

one of the most significant milestones in a generations-long effort to clean up Lake Erie that began with the passage of the Clean Water Act in 1972.

The judge's approval allows the Northeast Ohio Regional Sewer District to move forward on a \$3 billion deal worked out with the U.S. Environmental Protection Agency, the U.S. Department of Justice and the

Ohio attorney general's office that promises to reduce discharges of untreated waste from the current level of about 4.5 billion gallons a year to under 500,000 gallons annually by 2036.

"This is a big deal," said Julius Ciaccia, the sewer district's executive director, following a regularly scheduled board meeting during which he announced the judge's OK.

"It's official now," Ciaccia added. "The clock starts running now."

Last month, the sewer district's board approved a five-year rate increase, the bulk of which will go to pay for improvements required under the plan. The increases, which average about 13 percent a year, begin in January and continue through 2016.

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The consent decree signed by the judge requires the district to pay a total of \$1.2 million within 30 days to the U.S. and Ohio EPAs for past violations of clean-water regulations. Half goes to each agency.

In the 60-page order, Nugent said the deal, which was submitted to the court in December, was negotiated in good faith, would avoid prolonged and complicated litigation and was "fair, reasonable, and in the public interest."

That brought a sigh of relief from sewer district officials, who couldn't help but recall that in

March, another federal judge, John Adams, denied a plan that Akron had negotiated to reduce discharges of untreated waste, saying it was not fair or in the public interest.

Among other problems, Adams didn't like that the plan gave Akron 18 years to solve its sewer overflow problems even though EPA records showed a solution could have been completed within 10 to 11 years.

At issue in Akron, Cleveland and hundreds of other older cities is overflow discharges that come from combined sewers — systems that were built mostly in the early 1900s where the sanitary and storm sewers are combined in one large pipe.

During heavy rains, these combined sewers take in more water than the system can handle, resulting in discharges in various

places of a mixture of rainwater and untreated sewage and industrial waste.

This threatens the health of local waterways and people who use them. The untreated waste also often bubbles up in the basements of homes as well.

The Northeast Ohio Regional Sewer District serves Cleveland and 61 neighboring communities. Nearly one-quarter of its sewers are combined and overflows from them spill out from the system's 126 outfalls, some built as early as 1876, which are located in a number of communities.

To solve the problem, sewer district officials proposed building seven massive tunnels that would store the overflow wastewater until it can be treated.

But the court is requiring that part of the solution come from so-called "green" infrastructure, said

sewer district spokeswoman Jean Chapman.

Green solutions use plant and soil systems, permeable pavement, green roofs and cisterns and bioretention wetland areas to capture, store and filter storm water before it reaches the combined sewer system.

The district is exploring green options and will prepare a report on them by the end of the year, Chapman said. It must find green solutions worth at least \$42 million, though the court made it clear it would be open to a larger role for this new technology, which is popular because it creates green spaces in urban landscapes.

"Now how we get to that number is really up to our discretion," Chapman said.

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